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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

MIKE HUCKABEE *et al.*,

Plaintiffs,

v.

META PLATFORMS, INC. and
MICROSOFT CORPORATION,

Defendants.

Case No. 4:23-cv-06663-VC

**STIPULATION AND [PROPOSED] ORDER
RE: AMENDMENT OF COMPLAINT AND MOTION
TO DISMISS BRIEFING SCHEDULE**

Hon. Vince Chhabria

Pursuant to Civil Local Rules 6-1(b), 6-2, and 7-12, Plaintiffs Mike Huckabee, Relevance Group, David Kinnaman, Tsh Oxenreider, Lysa Terkeurst, and John Blase (“Plaintiffs”) and Defendants Meta Platforms, Inc. (“Meta”) and Microsoft Corporation (“Microsoft”; together with Meta, “Defendants”), by and through their respective counsel of record, hereby stipulate as follows:

1 **WHEREAS**, on October 17, 2023, Plaintiffs filed a Class Action Complaint (“Complaint”)
 2 in the United States District Court for the Southern District of New York, naming Defendants, as
 3 well as Bloomberg L.P., Bloomberg Finance, L.P., and EleutherAI Institute as defendants (Dkt. 1);

4 **WHEREAS**, on November 22, 2023, the Southern District of New York ordered that the
 5 last day for Defendants to move to dismiss or otherwise respond to Plaintiffs’ Complaint shall be
 6 January 26, 2024 (Dkt. 36);

7 **WHEREAS**, on December 28, 2023, the Southern District of New York granted the Parties’
 8 stipulation to sever and transfer all claims against Defendants to the United States District Court
 9 for the Northern District of California (Dkt. 69), in light of the substantially identical action against
 10 Meta already pending in this District, *Kadrey v. Meta Platforms, Inc.*, No. 3:23-cv-03417-VC
 11 (previously consolidated with *Chabon v. Meta Platforms, Inc.*, No. 3:23-cv-04663) (hereinafter,
 12 the “*Kadrey* action”);

13 **WHEREAS**, after plaintiffs in the *Kadrey* action filed an Administrative Motion to
 14 Consider Whether Cases Should be Related pursuant to Civil Local Rule 3-12(a) (Dkt. 82) (the
 15 “Administrative Motion”), Plaintiffs filed a response not opposing the Administrative Motion (Dkt.
 16 83);

17 **WHEREAS**, on January 23, 2024, the Court ordered that the actions are related (Dkt. 95),
 18 and both cases are now pending before Judge Chhabria; and

19 **WHEREAS**, Plaintiffs have informed Defendants of their intent to amend their Complaint,
 20 seek consolidation with the *Kadrey* action, or otherwise work with the *Kadrey* plaintiffs to eliminate
 21 duplication and promote efficiency.

22 **NOW THEREFORE, IT IS HEREBY STIPULATED** by and between the Parties,
 23 subject to the approval of the Court, that:

24 1. The current January 26, 2024 deadline for Defendants to move to dismiss or
 25 otherwise respond to Plaintiffs’ Complaint is vacated or otherwise extended;

26 2. Plaintiffs will continue to discuss with the *Kadrey* plaintiffs the most efficient path
 27 forward for the litigation of their claims, and will propose a stipulation to the Court by February 5,
 28 2024, concerning either consolidation with the *Kadrey* action or amendment of their operative

1 complaint and, if appropriate, a stipulated briefing schedule on any motion to dismiss or other
2 response to the complaint or amended complaint.

3 3. Nothing in this Stipulation is intended to or shall have the effect of prejudicing any
4 party's right to seek consolidation with *Kadrey* or other appropriate relief.

5 **IT IS SO STIPULATED.**

6 Dated: January 24, 2024

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24 *Attorneys for Defendant Meta Platforms, Inc.*

25 Dated: January 24, 2024

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7 Dated: January 24, 2024

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____, 2024

Hon. Vince Chhabria

ATTESTATION

I, Angela Dunning, am the ECF user whose ID and password are being used to file this Stipulation and [Proposed] Order Re: Amendment of Complaint and Motion to Dismiss Briefing Schedule. In compliance with N.D. Cal. Civ. L.R. 5-1(i)(3), I hereby attest that each of the above signatories has concurred in the filing of this document and has authorized the use of his or her electronic signature.

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